

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEVIN HARDIMON

13 CV 1249

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

(1) WESTCHESTER COUNTY

(2) CORRECTIONAL OFFICER WHITE 1329

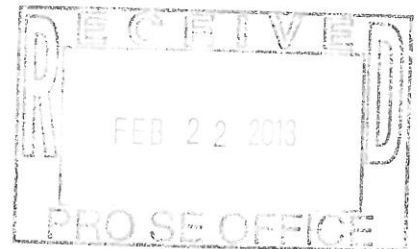
(3) CORRECTIONAL SERGEANT HODGE

ALL DEFENDANT(S) INDIVIDUALLY AND  
OFFICIALLY IN THEIR CAPACITIES.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No  
(check one)

## I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name KEVIN HARDIMON

ID # 207747

Current Institution WESTCHESTER COUNTY JAIL

Address VALHALLA.N.Y. 10595

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name WESTCHESTER COUNTY Shield #

Where Currently Employed WESTCHESTER COUNTY

Address 148- martine avenue,

white plains,n.y. 10595

2013 VO 81

Defendant No. 2 Name CORRECTIONAL OFFICER WHITE Shield # 1329  
 Where Currently Employed westchester county dept. of correction  
 Address 148-martine avenue 6TH FLOOR  
WHITE PLAINS, N.Y. 10601

Defendant No. 3 Name CORRECTIONAL SERGEANT HODGE Shield #   
 Where Currently Employed WESTCHESTER COUNTY JAIL  
 Address 148- martine avenue 6th floor  
WHITE PLAINS, N.Y. 10601

Defendant No. 4 Name  Shield #   
 Where Currently Employed   
 Address

Defendant No. 5 Name  Shield #   
 Where Currently Employed   
 Address

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?  
WESTCHESTER COUNTY JAIL

B. Where in the institution did the events giving rise to your claim(s) occur?  
1-EAST HOUSING UNIT

C. What date and approximate time did the events giving rise to your claim(s) occur?  
JANURAY 17 2013 approx 4:00P.M. of 5:00P.M.



I Plaintiff kevin hardimon while housed in the westchester county jail, on the date of januray 17, 2013 I was returning from a court session and was assigned to my previous housing location in the OLD JAIL section of the facility 1 - EAST A-SIDE #12 when I entered said housing unit I was met by correctional officer White #1329 which is defendant # 2 from herein plaintiff requested to defendant #2 can he be placed in the cell location he was assigned to prior to going to court . Defendant #2 agreed and told plaintiff "YES" go into 10 CELL . I was allowed into cell # 10, while unpacking my prison issued Items, defendant #2 then told plaintiff to move plaintiff asked why? he informed defendant #2 that he just cleaned this cell (DISINFECTED) Defendant #2 stated " GO INTO 12 CELL" some one else is assigned that cell. Plaintiff complied and started moving in the direction of 12 Plaintiff started to clean 12 cell disinfect while in that process a unknown correctional officer appeared on the 1-EAST TIER screaming in a hostile manner " you are the one that hit C.O. McHALE in the face," the unknown C.O. told defendant #2 " put him in 13-CELL 1- EAST , upon reveiwing 13- cell that defendant #2 directed plaintiff now to move to , 13 CELL had feces smeared all around the toilet bowl/seat, the walls were covered with mold/ mildew Plaintiff attempted to flush the toilet prior to cleaning 13 CELL (DISINFECT) the water started to over flow . Plaintiff then requested to Defendant #2 to call for a supervisor (SERGEANT) Defenadnt # 2 refused to call a supervisor stating I'ma call an Inmate to come with the snake sorry that's what happens when you hit correctional staff (defendant #2 was referring to a prior incident plaintiff had with a correctional officer so defendant # 2 was retaliating against plaintiff by placing





Plaintiff in a non functional cell Plaintiff requested to defendant #2

three times to call a supervisor plaintiff even made gestures with his hands for defendant to call a supervisor motioning to the phone while walking towards him plaintiff then stopped next to defendant # 2 and crossed his arms placing his hands underneath his arm pits while pleading to defendant #2 to call a supervisor, defendant#2 then stated "I'm not C.O. Mchayle I'll fuck you up" plaintiff said ok can you just call for a sergeant Defendant #2 with out warning smacked plaintiff in his face then followed with two punches to Plaintiff's face then defendant #2 thru plaintiff to the concrete ground then defendant #2 stomped on plaintiff back 2 times (LOWER) defendant # 2 then grabbed plaintiff and dragged him from the sally port area to about 18 feet to 3 CELL while screaming " I'ma set an example out of you, you wanna PoP on C.O.'S I'ma fuck you up, fuck these camera's defendant # 2 then punched plaintiff another 3- times to the head, defendant # 2 then pick plaintiff up off the ground unto his feet then slammed plaintiff to the ground, the the emergency response team then arrived and took plaintiff to solitary confinement G-BLOCK PENITENTIARY section, Defendant #2 then created a false disciplinary report stating plaintiff took a punch at defendant #2 which was a lie plaintiff then attempted to submit a grievance to sergeant HODGE FROM HEREIN defendant# 3 pertaining to the assault that transpired defendant # 3 refused to accept plaintiff grievance stating you can not grieve disciplinary this occurred on januray 22, 2013 on plaintiff last day he was allowed to file grievance westchester county jail time limitations (5) days finally Plaintiff at a disciplinary hearing was found guilty of all charges and sentenced to 45 days 30 solitary confinement 15 KEEPLOCK status , plaintiff appealed this decision which was denied.

